

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

*In re Cattle and Beef Antitrust Litigation*

This Document Relates to:

*Sysco Corporation v. Cargill, Inc., et al.*  
Case No. 22-CV-1750

Case No. 22-md-3031(JRT/JFD)

**RESPONSE TO MOTION TO  
WITHDRAW AS COUNSEL**

As explained in the opposition of the undersigned Defendants (“Defendants”) to Sysco’s stay motion, ECF No. 174, Defendants do not oppose a limited stay of up to 30 days to allow Sysco to retain new counsel. Defendants respond here to Sysco’s counsel’s recent motion to withdraw, ECF No. 185, because Sysco’s filings raise new concerns about the potential for excessive delay.

Sysco cannot even say when it will retain new counsel. Sysco’s initial stay motion sought a stay of “up to 60 days,” with assurances that it expected that the process to retain new counsel would require “60 days or less.” *See* ECF No. 166, at 1. But Sysco now states in support of its counsel’s motion to withdraw that “[i]t is unclear exactly how long it will take for Sysco to find new counsel.” ECF No. 188, at 7. Sysco’s filings, both in the instant case and in a case pending in the Northern District of Illinois, claim that this is because Burford Capital has asserted the right to dictate Sysco’s choice of counsel. To be clear, Defendants remain troubled by Sysco’s allegations against Burford Capital, including allegations that Burford has substantial control Sysco’s choice of counsel and its litigation decisions. But those same filings also appear to reveal that the problem is not simply that Sysco cannot find *any* replacement counsel (temporary or permanent), but rather that Sysco

has a particular firm and a particular fee structure in mind, and that Burford Capital will not approve the fee structure with that firm. *See* Sysco Mem. Supp. Mot. Limited Stay, ECF No. 166, at 1 (Mar. 10, 2023); Am. Pet., *Sysco Corp. v. Glaz LLC*, Case No. 1:23-cv-01451, at 32–35, Ex. U (N.D. Ill. Mar. 20, 2023). This standoff over the respective preferences of Sysco and Burford appears to have no resolution in sight and risks derailing this Court’s carefully considered case schedule.

The Court should not permit this sort of indefinite delay. In deciding Boies Schiller’s motion to withdraw as counsel for Sysco, the Court should impose a structure to ensure that any withdrawal does not prevent Sysco from moving forward in this litigation in a timely manner. Defendants reiterate what they proposed in their response to Sysco’s stay motion: a stay of deadlines as to Sysco should be no more than 30 days as to the priority custodian deadline, and Sysco should be expected to “catch up” such that the stay does not impact future deadlines. Sysco should also provide regular status reports to the Court as to its progress in retaining new counsel.

Dated: March 30, 2023

Respectfully Submitted,

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